

**NATURAL RESOURCE COMMISSION[571]****Notice of Intended Action**

**Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”**

**Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.**

Pursuant to the authority of Iowa Code sections 455A.5(6)“a,” 481A.38, 481A.39, 481A.67, 481A.76, 483A.6A, and 483A.39, the Natural Resource Commission (Commission) hereby gives Notice of Intended Action to amend Chapter 44, “Special Events and Fireworks Displays,” and Chapter 81, “Fishing Regulations,” Iowa Administrative Code.

The proposed amendments will increase paddlefish angler opportunities and establish better conservation-minded practices during catfish and bass fishing tournaments. Specifically, the proposed amendments make the following changes to Chapter 81: add 39 days to the Missouri and Big Sioux Rivers paddlefish fishing season; allow the purchase of up to two Missouri and Big Sioux Rivers paddlefish fishing licenses instead of only one; authorize the snagging of the fish species listed in subrule 81.2(11) in areas previously limited to snagging of only paddlefish with a valid paddlefish fishing license and unfilled tag; and permit the culling of catfish at Department of Natural Resources (DNR)-permitted catch and release, boat-based catfish fishing tournaments. The proposed amendments to Chapter 44: establish a daily catch limit of five catfish per tournament boat team at DNR-permitted catch and release, boat-based catfish fishing tournaments and a five-fish daily possession limit with no length limit for DNR-permitted catch and release bass fishing tournaments.

Almost 75 percent of the available Missouri and Big Sioux Rivers paddlefish fishing licenses (743 out of 1,000) were purchased in 2015’s inaugural paddlefish season. In 2016, however, only 406 licenses were purchased. In an effort to increase interest, the Commission proposes the following changes: firstly, 39 days are being added to the paddlefish season in the Missouri and Big Sioux Rivers by opening the season earlier (on February 4 instead of March 1) and pushing the closing date later (from April 15 to April 30). Secondly, the proposed amendments authorize anglers to purchase more than one Missouri and Big Sioux Rivers paddlefish license (the current rule limits an angler to only one). The Commission is proposing two separate buying windows (December 15 to December 31 and January 1 to January 7) so that all interested anglers may have an opportunity to buy one paddlefish license before others buy their second. This is necessary because there are only 950 resident and 50 nonresident paddlefish licenses available and they are issued on a first-come, first-served basis. (Note: The 1,000 license quota was based on the number of paddlefish that could be harvested without causing a population decline. Increasing the season’s length will not cause the harvest to exceed the established quota.) Thirdly, the Commission proposes to authorize snagging of the fish species listed in subrule 81.2(11) with a valid paddlefish license and unfulfilled tag in areas previously limited to just paddlefish snagging. Snagging is the practice of jerking any type of hook or lure, whether baited or not, through the water with the intention of foul hooking fish (“[a] fish is foul hooked when caught by a hook in an area other than in the fish’s mouth” pursuant to subrule 81.2(11)). Snagging is a valid method of take for paddlefish, so it is a logical extension to include these other species under the license. Once an angler has caught and tagged a paddlefish, however, no further snagging is permissible.

The proposed amendments also authorize the culling of catfish at catch and release, boat-based catfish fishing tournaments. Culling—that is, to sort, cull, high-grade, or replace a fish already in one’s possession for another fish deemed superior—is currently not permitted for catfish fishing tournaments. Thus, anglers are keeping catfish in holding devices (either live tanks, stringers, or baskets) up to the legal daily catch limit (8 in lakes, 15 in streams) while participating in these tournaments, but this practice poses a genuine threat to fish health. When so many catfish are temporarily held in these

devices, they are ultimately more susceptible to mortality after release due to the physical stress from crowding and oxygen depletion. Therefore, allowing anglers to cull during these tournaments is better for fish health and will prevent overcrowding of fish in holding devices.

Additionally, the Commission is proposing to amend Chapter 44, “Special Events and Fireworks Displays,” at the request of tournament organizers, by lowering the daily catch limit for catch and release boat-based, catfish fishing tournaments. Lower daily catch limits, in combination with the ability to cull, will address the detrimental overcrowding issue. Tournament organizers have been self-imposing restrictive daily catch limits ranging between three and six fish to sustain fish health. The parties were able to come to a consensus on a new daily catch limit of five per boat regardless of the number of tournament participants on the vessel.

Finally, the proposed amendments provide new required permit conditions for catch and release bass fishing tournaments, including requirements related to fish health and possession and length limits. These permit requirements implement 2017 Iowa Acts, Senate File 257, signed by Governor Branstad on April 12, 2017. Tournament participants will now be allowed to possess five black bass of any species (i.e., Largemouth, Smallmouth, or Spotted) and to possess bass of any length. Currently, the daily bag limit is three bass of any one species, with a cumulative, mixed species bag limit of five, and various length limits apply depending on the water body. The existing possession and length limits remain in effect for all anglers not participating in a DNR-permitted catch and release bass fishing tournament.

Any person may submit written suggestions or comments on the proposed amendments through September 19, 2017. Such written material should be submitted to Joe Larscheid, Fisheries Bureau Chief, Iowa Department of Natural Resources, 502 East 9th Street, Des Moines, Iowa 50319-0034; fax (515)725-8201; or by e-mail to [joe.larscheid@dnr.iowa.gov](mailto:joe.larscheid@dnr.iowa.gov). Persons who have questions may contact Joe Larscheid by e-mail or at (515)201-3376.

A public hearing at which persons may present their views orally or in writing will be held on September 19, 2017, from 12 noon to 3 p.m. at the Wallace State Office Building, Conference Room 4W, 502 East 9th Street, Des Moines, Iowa. At the public hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the proposed amendments. Any person who intends to attend the public hearing and has special requirements such as those related to mobility or hearing impairments should contact the DNR to advise of any specific needs.

After analysis and review of this rule making, the Commission anticipates a neutral-to-positive impact on private sector jobs from the proposed amendments. All proposed amendments have the support of recreational anglers and catfish and bass tournament organizers, none of whom receive income directly from their involvement or efforts. That said, the proposed amendments are intended to increase recreational angling opportunity, which could translate to a slight increase in revenue for local tackle shops, convenience stores, and outdoor recreational gear stores.

These amendments are intended to implement Iowa Code sections 481A.38, 481A.39, 481A.67, 481A.76, and 483A.6A, and 2017 Iowa Acts, Senate File 257.

The following amendments are proposed.

ITEM 1. Adopt the following new definitions of “Bass fishing tournament” and “Catfish fishing tournament” in rule **571—44.2(321G,321I,461A,462A,481A)**:

“*Bass fishing tournament*” means an event with the purpose of fishing for black bass as defined in 2017 Iowa Acts, Senate File 257. For purposes of this chapter, “bass fishing tournament” is included in the definition of “special event” unless otherwise specified.

“*Catfish fishing tournament*” means an event with the purpose of fishing for catfish from boats that meets the definition of “fishing tournament.” For purposes of this chapter, “catfish fishing tournament” is included in the definition of “special event” unless otherwise specified.

ITEM 2. Amend rule **571—44.2(321G,321I,461A,462A,481A)**, definition of “Fishing tournament,” as follows:

“*Fishing tournament*” means any organized fishing event, except for department-sponsored fishing events held for educational purposes, involving any of the following: (1) six or more boats or 12 or more participants, except for waters of the Mississippi River, where the number of boats shall be 20 or more

and the number of participants shall be 40 or more; (2) an entry fee is charged; ~~and~~ or (3) prizes or other inducements are awarded. For purposes of this chapter, “fishing tournament” is included in the definition of “special event” unless otherwise specified.

ITEM 3. Adopt the following **new** subrule 44.4(3):

**44.4(3) Catfish fishing tournaments.** The daily catch limit for a catch and release catfish fishing tournament permitted under this chapter is five catfish per boat regardless of the number of tournament participants on the boat.

ITEM 4. Adopt the following **new** subrule 44.4(4):

**44.4(4) Bass fishing tournaments.** In addition to permit conditions deemed necessary under the introductory paragraph of rule 571—44.4(321G,321I,461A,462A,481A) or under subrule 44.4(2), the permit conditions for bass fishing tournaments shall:

a. State the minimum requirements for weigh-in, handling, and release of live bass by tournament participants.

b. Allow for the measurement of bass to length and release from a vessel.

c. Allow for the possession of up to five bass for weigh-in during the tournament.

d. Allow for the possession of bass of any length, so long as the bass are kept alive and are released after weigh-in.

e. Require the cleaning of vessels, before and after the tournament, in compliance with department guidelines to prevent the transportation of aquatic invasive species.

ITEM 5. Amend paragraph **81.2(4)“b”** as follows:

b. Snagging for paddlefish on the Missouri and Big Sioux Rivers is limited to Iowa waters only, beginning in the Big Sioux River below the Interstate 29 bridge to the Big Sioux River’s confluence with the Missouri River and in the Missouri River, including all backwaters and sloughs and any tributary of the Missouri River at its confluence and extending below its Interstate 29 bridge, beginning at the Big Sioux River confluence and extending to the Hamburg Landing boat ramp.

(1) There shall be an open season from ~~March 1~~ February 4 through April ~~15~~ 30.

(2) and (3) No change.

(4) The paddlefish fishing license quota is 950 for resident anglers and 50 for nonresident anglers. ~~No one shall apply for more than one license per year.~~ Licenses shall be issued on a first-come, first-served basis. ~~The purchase period to obtain a~~ A person may purchase one paddlefish fishing license ~~shall be from December 15 through January 31~~ December 31 and either a first or second license between January 1 and January 7. No duplicate license or transportation tag shall be issued after the start of the season.

(5) ~~Each angler who fishes fishing for paddlefish and any species listed in subrule 81.2(11) on the Missouri and Big Sioux Rivers shall have a valid paddlefish fishing license and unused tag. Anglers possessing a paddlefish fishing license and unused tag shall snag fish for the purpose of catching paddlefish only.~~ All snagged fish except for a species listed in subrule 81.2(11) or a legal paddlefish taken into possession shall immediately be released alive.

(6) to (8) No change.

ITEM 6. Amend subparagraph **81.2(11)“a”(8)** as follows:

(8) Missouri River, any Missouri River tributary beginning at its confluence and extending below its Interstate 29 bridge and the Big Sioux River from the Interstate 29 bridge to the confluence with the Missouri River, ~~with the exception of snagging paddlefish and only paddlefish or any of the species listed in subrule 81.2(11) during the paddlefish open season.~~

ITEM 7. Amend subrule 81.2(13) as follows:

**81.2(13) Culling.** It is prohibited to sort, cull, high-grade, or replace any fish already in possession. Participants in permitted black bass fishing tournaments are exempted, as are participants in catch and release catfish fishing tournaments if fishing from a boat with a functioning aerated or water-circulated live well. Any fish taken into possession by holding in a live well, on a stringer or in other fish-holding

devices is part of the daily bag limit. Once the daily bag limit of a particular species is reached, fishing for that species is permitted as long as all fish of that species caught are immediately released.